



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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March 6, 2019

BY ECF

Honorable William H. Pauley, III
United States District Judge
Daniel Patrick Moynihan Federal Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: SEC v. Terminus Energy, Inc., *et al.*, 17-CV-1117 (WHP)

Dear Judge Pauley:

I write on behalf of Plaintiff, the Securities and Exchange Commission (the “Commission”) to advise the Court by letter (in keeping with the Court’s request at the January 18, 2019 initial conference), that the Commission’s Memorandum of Law in Support of its Motion to Approve Proposed Settlements is unopposed. [D.E. 78, 79.] Unfortunately, I must also request that this Court defer its ruling on the Commission’s Motion as to Defendant Danny B. Pratte for 90 days because the undersigned neglected to obtain Commission approval regarding one aspect of Pratte’s proposed settlement decree.

As this Court is aware, prior to the January 18, 2019 initial conference, the undersigned filed a notice attaching signed consent decrees to alert the Court that, with the exception of Joseph Pittera, all of the Defendants and Relief Defendants had agreed to settle with the Commission. [D.E. 76.] The undersigned obtained approval before the initial conference to file the proposed settlements—including authority to ask the Court to deem disgorgement as to Defendant George Doumanis satisfied in light of larger restitution order in his parallel criminal case—but overlooked seeking Commission approval on this point as to Pratte. As Pratte was also criminally convicted based on the conduct alleged in the instant case, the above-described provision would ensure that his settlement agreement is fair, reasonable, adequate, and in the public interest. SEC v. Citigroup Global Markets, Inc., 752 F.3d 285, 294-295 (2d. Cir. 2014).

Accordingly, the undersigned respectfully requests that this Court defer its ruling on Pratte’s proposed settlement for a period of no more than 90 days, up to and including June 3, 2019, during which time the undersigned will seek the necessary Commission approval for Pratte’s proposed settlement on this one remaining issue. As the undersigned is already seeking Commission approval to determine whether any penalty is appropriate as to Defendant Terminus Energy, Inc., [D.E. 79, n. 5], the undersigned will make the request as to Pratte at the same time in order to resolve both issues

at once and avoid any further delays.

Respectfully submitted,

s/ Alejandro O. Soto
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cc: Counsel of record (via ECF)